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EXAMINER

EHICHIOYA, FRED I

ART UNIT PAPER NUMBER

2172

DATE MAILED: 06/06/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

27

# Office Action Summary

Application No.

09/836,952

Applicant(s)

JAM, MEHRBAN

Examiner

Fred I. Ehichioya

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. The application has been examined.
2. Claims 1 – 26 are pending in this office action.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 7, 8, 10, 13, 16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,351,813 issued to David M. Mooney et al. (hereafter "Mooney").

Regarding claim 1, Mooney teaches assigning database information a plurality of clearance levels (see column 15, lines 23 – 25 and lines 45 – 58);  
assigning each smart badge within a set of visible smart badges one of the clearance levels (see column 11, lines 11 – 16 and column 16, lines 34 - 40);  
identifying smart badges having a lowest clearance level (see column 16, lines 29 – 30); and

Art Unit: 2172

providing access to database information having clearance levels no higher than the lowest clearance level (see column 1, lines 65 – 67 and column 8, lines 21 – 24).

Mooney does not explicitly teach smart badge and lowest clearance level.

However, Mooney teaches smart card as shown in column 1, line 66, multiple levels of security as shown in column 8, lines 22. Mooney also teaches level 1 is the least secure as shown in column 16, line 30.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify teaching of Mooney wherein access is restricted to a single user per access smart card. This access control system includes communication means for providing proper communications with a number of smart card readers and smart cards. The motivation being that the system restricts access to, and ensures trusted security of confidential, proprietary, classified, or other sensitive information contained in files in the computer system.

Regarding claim 5, Mooney teaches providing access to the database information to smart badge wearers assigned to the smart badges (see column 2, lines 8 – 11 and column 12, lines 52 – 53).

Regarding claim 7, Mooney teaches the step of: writing data items to the smart badges (see column 7, lines 14 – 16).

Art Unit: 2172

Regarding claim 8, Mooney teaches pre-reading the data item from the smart badge during idle periods (see column 4, lines 66 – 67 and column 5, lines 1 – 9).

Regarding claim 10, Mooney teaches assigning an expiration period to each of the smart badges (see column 5, lines 20 – 21); and

de-authenticating and erasing all data stored on a smart badge whose expiration period has been exceeded (see column 9, lines 1 – 5 and column 9, lines 17 – 22).

Claims 13 is essentially the same as claim 1 except that it sets forth the claimed invention as a computer-usable medium embodying computer program code for context-aware computer management rather than a method and therefore rejected for the same reasons as applied hereinabove.

Claims 16 is essentially the same as claim 5 except that it sets forth the claimed invention as a computer-usable medium rather than a method and therefore rejected for the same reasons as applied hereinabove.

Claims 19 is essentially the same as claim 10 except that it sets forth the claimed invention as a computer-usable medium rather than a method and therefore rejected for the same reasons as applied hereinabove.

Art Unit: 2172

5. Claims 2, 3, 4, 6, 9, 11, 12, 14, 15, 17, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney in view of U.S. Patent 5,629,981 issued to Virupax M. Nerlikar (hereinafter "Nerlikar").

Regarding claim 2, Mooney does not explicitly teach updating the set of visible smart badges in response to a change in smart badge visibility status.

Nerlikar teaches updating the set of visible smart badges in response to a change in smart badge visibility status (see column 13, lines 55 – 64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Mooney with the teaching of Nerlikar wherein user set for access for certain locations may be dynamically changed. The motivation being that this update allows the user to access new location without hindrance and access denied for unauthorized locations.

Regarding to claim 3, Nerlikar teaches recalculating the lowest clearance level in response to the change in smart badge visibility status (see column 9, lines 50 – 56 and column 10, lines 43 – 48).

Regarding claim 4, Mooney does not explicitly teach recording the smart badge visibility status of each smart badge within an activity log.

Nerlikar teaches recording the smart badge visibility status of each smart badge within an activity log (see column 2, lines 14 – 22 and column 4, lines 7 – 11).

Art Unit: 2172

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Mooney with the teaching of Nerlikar wherein log is maintained to provide notification and accountability. The motivation being that unauthorized accesses are denied.

Regarding claim 6, Nerlikar teaches preventing access to the database when the smart badge visibility status is set to invisible for a predetermined timeout (see column 13, lines 65 – 67).

Regarding claim 9, Mooney does not explicitly teach defining a badge removal confidence level indicating whether each smart badge has been continuously worn by corresponding assigned smart badge wearers.

Nerlikar teaches the step of defining a badge removal confidence level indicating whether each smart badge has been continuously worn by corresponding assigned smart badge wearers (see column 8, lines 27 – 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Mooney with the teaching of Nerlikar wherein an unauthorized user has a limited access. The motivation being that access to classified information or areas are controlled.

Regarding claim 11, Mooney does not explicitly teach configuring a predetermined smart badge visibility range

Art Unit: 2172

Nerlikar teaches configuring a predetermined smart badge visibility range (see column 13, lines 55 – 65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Mooney with the teaching of Nerlikar wherein visibility range determines security access for each user. The motivation being that access to classified information or areas are controlled.

Regarding claim 12, Mooney teaches assigning database information a plurality of clearance levels (see column 15, lines 23 – 25 and lines 45 – 58);

assigning each smart badge within a set of visible smart badges one of the clearance levels (see column 11, lines 11 – 16 and column 16, lines 34 - 40);

identifying smart badges having a lowest clearance level (see column 16, lines 29 – 30); and

providing access to database information having clearance levels no higher than the lowest clearance level (see column 1, lines 65 – 67 and column 8, lines 21 – 24).

Mooney does not explicitly teach updating the set of visible smart badges in response to a change in smart badge visibility status; and recalculating the lowest clearance level in response to the change in smart badge visibility status. However, Mooney teaches smart card as shown in column 1, line 66, multiple levels of security as shown in column 8, lines 22. Mooney also teaches level 1 is the least secure as shown in column 16, line 30.



Nerlikar teaches updating the set of visible smart badges in response to a change in smart badge visibility status (see column 13, lines 55 – 64); and

recalculating the lowest clearance level in response to the change in smart badge visibility status (see column 9, lines 50 – 56 and column 10, lines 48 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Mooney with the teaching of Nerlikar wherein access is restricted to a single user per access smart card. This access control system includes communication means for providing proper communications with a number of smart card readers and smart cards. The motivation being that the system restricts access to, and ensures trusted security of confidential, proprietary, classified, or other sensitive information contained in files in the computer system.

Claims 14 is essentially the same as claim 2 except that it sets forth the claimed invention as a computer-usable medium rather than a method and therefore rejected for the same reasons as applied hereinabove.

Claims 15 is essentially the same as claim 3 except that it sets forth the claimed invention as a computer-usable medium rather than a method and therefore rejected for the same reasons as applied hereinabove.

Claims 17 is essentially the same as claim 6 except that it sets forth the claimed invention as a computer-usable medium rather than a method and therefore rejected for the same reasons as applied hereinabove.

Claims 18 is essentially the same as claim 9 except that it sets forth the claimed invention as a computer-usable medium rather than a method and therefore rejected for the same reasons as applied hereinabove.

Claims 20 is essentially the same as claim 12 except that it sets forth the claimed invention as a system rather than a method and therefore rejected for the same reasons as applied hereinabove.

6. Claims 21, 22, 23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney in view of U.S. Patent 5,917,425 issued to James W. Crimmins et al (hereinafter "Crimmins").

Regarding claim 21, Mooney teaches a database, including information differentiated by a plurality of clearance levels (see Mooney column 8, lines 20 – 24);

a set of smart badges (see Mooney column 16, line 49), in visible communication with the first beacon (see Crimmins column 6, line 10), each badge assigned one of the clearance levels (see Mooney column 16, lines 34 – 52);

a system service module, coupled to the beacon (see Crimmins column 6, lines 44 – 48), for identifying a lowest clearance level assigned to the smart badges (see Mooney column 16, lines 29 – 30); and

a software application, coupled to the service module and the database, for providing access to information within the database having clearance levels no higher than the lowest clearance level (see Mooney column 1, lines 65 – 67 and column 8, lines 21 – 24).

Mooney does not explicitly teach a first beacon

Crimmins teaches a first beacon (see column 6, line 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Mooney with the teaching of Crimmins wherein the use of smart card in combination with beacon radio frequency create a more sensitive response to position changes. The motivation being that detecting and reporting of location changes within a long range is very reliable with the use of beacon.

Regarding to claim 22, Crimmins teaches a wide angle RF beacon (see column 6, lines 10 – 11 and lines 40 – 48).

Regarding claim 23, Crimmins teaches a second diffuse IR beacon, coupled to the service module, limited to detecting smart badges within a workroom (see column 6, lines 15 – 16).

Art Unit: 2172

Regarding claim 26, Mooney teaches the application logs smart badge wearers assigned to visible smart badges onto a computer (see column 9, lines 8 – 11).

Claims 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney in view of Crimmins and further in view of Nerlikar.

Regarding claim 24, Mooney teaches biometric sensors (see column 9, lines 33 – 36).

Mooney or Crimmins do not explicitly teach detecting when a smart badge has been removed from an assigned smart badge wearer.

Nerlikar teaches detecting when a smart badge has been removed from an assigned smart badge wearer (see column 8, lines 26 – 32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Mooney and Crimmins with the teaching of Nerlikar wherein biometric sensor detects accesses to both authorized and unauthorized locations. If a badge is stolen or the user moves to an unauthorized location, the access would be denied. The motivation being that the system provides a real-time configuration and security control.

Regarding claim 25, Nerlikar teaches the service module defines a smart badge visibility status, and recalculates the lowest clearance level in response to a change in the visibility status (see column 9, lines 50 – 56 and column 10, lines 43 – 48).

Art Unit: 2172

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-303-3900.

Fred Ehichioya  
June 2, 2003

  
**SHAHID AL ALAM  
PATENT EXAMINER**